

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2004-0006
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
FOR
MANDATORY MINIMUM PENALTIES
AGAINST
THE CITY OF OCEANSIDE
OCEANSIDE OCEAN OUTFALL
VIOLATION
OF
ORDER NO. 2000-11, NPDES NO. CA0107433
WASTE DISCHARGE REQUIREMENTS FOR
THE CITY OF OCEANSIDE
SAN LUIS REY AND LA SALINA WASTEWATER TREATMENT PLANTS
DISCHARGE TO THE PACIFIC OCEAN
VIA THE
OCEANSIDE OCEAN OUTFALL

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), on February 11, 2004, having received a signed waiver of public hearing form with a \$9,000 payment and having reviewed the allegations contained in Complaint No. R9-2003-0387, dated October 10, 2003, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$9,000 finds as follows:

1. The City of Oceanside owns and operates the San Luis Rey and La Salina Wastewater Treatment Plants and is authorized to discharge up to 19.0 million gallons per day of treated effluent to the Pacific Ocean via the Oceanside Ocean Outfall in accordance with waste discharge requirements contained in Order No. 2000-11 which was adopted by this Regional Board on February 9, 2000.
2. The Discharge Specifications' section of Order No. 2000-11 contains a 30-day average effluent limitation for oil and grease of 25 mg/L. In August 2000 the City of Oceanside reported a 30-day average oil and grease value of 26 mg/L, 4% greater than the 30-day average effluent limitation.
3. California Water Code section 13385(i) states that a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever a waste discharge requirement effluent limitation is exceeded four or more times in any six month period. The August 2000 exceedance of the 30-day average oil and grease effluent limitation was the seventh effluent limitation violation in the six-month period beginning March 2000, and therefore requires a mandatory minimum penalty of three thousand dollars (\$3,000). The six other effluent limitation violations noted above were assessed the appropriate mandatory minimum penalties in previous enforcement actions.

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4. The Discharge Specifications' section of Order No. 2000-11 contains a 30-day average effluent limitation for tributyltin of 0.12 µg/L and a 30-day average mass emissions rate effluent limitation for tributyltin of 0.016 lb/day. In June 2003 the City of Oceanside reported a 30-day average tributyltin value of 0.18 µg/L, which exceeded the effluent limitation by 33 percent. Also in June 2003, the City of Oceanside reported a 30-day average mass emissions rate tributyltin value of 0.020 lb/day, which exceeded the effluent limitation by 20 percent.
5. California Water Code section 13385(h)(2) states that a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group I pollutant by 40 percent or more, or a group II pollutant by 20 percent or more, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations. Therefore, both tributyltin violations meet the criteria to be classified as serious violations.
6. California Water Code section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation.
7. Consideration of the factors prescribed in California Water Code section 13385(e) based upon information available to the Regional Board supports assessment of civil liability pursuant to Water Code section 13385(h) and (i) in the amount of \$9,000.
8. The Regional Board incurred costs totaling \$2,880 to prosecute this enforcement action; the costs include investigation, preparation of enforcement documents, communication with the Discharger, and preparation of materials for public review and hearing.
9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15521, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on the City of Oceanside in the amount of nine thousand dollars (\$9,000).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on February 11, 2004.

JOHN H. ROBERTUS
Executive Officer